

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10245 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.THAKKER

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KK CHAUHAN

Versus

CHIEF ENGINEER(GENERATION)

Appearance:

MR IS SUPEHIA for Petitioner

MR TUSHAR MEHTA for Respondent.

CORAM : MR.JUSTICE C.K.THAKKER

Date of decision: 27/02/96

ORAL JUDGEMENT

Rule. Mr. Tushar Mehta appears and waives service of rule on behalf of the respondent. In the facts and circumstances of the case, the matter is taken up for final hearing to day.

This petition is filed by the petitioner, who is serving as Time Keeper (Senior Assistant) in Gujarat

Electricity Board, Gandhinagar under the Respondent Board. It appears that a charge-sheet had been issued by the respondent to the petitioner for holding a departmental inquiry into the allegations of misusing the facility of medical bills, reimbursement for the medical treatment of the wife of the petitioner as well as for himself. It is also alleged against the petitioner that the petitioner fraudulently made alterations and additions in the number of medicines prescribed by the Doctors and also in cash memos obtained from Medical Stores against the purchase of medicines. It also appears that on the same set of allegations, an FIR being FIR No.128/95 has been lodged against the petitioner in Gandhinagar Town Police Station, Gandhinagar.

It further appears that after the charge-sheet, the petitioner requested to keep in abeyance the departmental inquiry pending prosecution into the aforesaid offences. The said request of the petitioner has been rejected and Inquiry Officer is also appointed and the next date of hearing was also fixed and the hearing was kept on 13.12.1995. The petitioner has approached this court by filing a petition under Article 226 of the Constitution of India for appropriate relief.

Various contentions have been raised by the learned counsel for the petitioner, but in view of the fact that for same incident, criminal proceedings have been initiated by filing First Information Report and in connection with the said incident, chargesheet is submitted by the departmental authorities also, in the facts and circumstances of the case, it is directed that departmental proceedings will not be proceeded with till the criminal case is over. It is, however, clarified that after the termination of criminal proceedings, the departmental proceedings, which are ordered to be kept in abeyance, will again be revived irrespective of the fact whether the petitioners are convicted or acquitted. Rule is made absolute to the above extent, with no order as to costs.
